

# Bulletin of

## Board News and Enforcement Actions



Fall 2000, no. 28

# CALIFORNIA BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Online at [www.dca.ca.gov/pels](http://www.dca.ca.gov/pels)

## NEW LEGISLATION EFFECTIVE JANUARY 1, 2001 MANDATES WRITTEN CONTRACTS

Assembly Bill 2629, which is effective on January 1, 2001, added two sections to the Business and Professions Code. Section 6749 was added to the Professional Engineers Act and Section 8759 was added to the Professional Land Surveyors' Act. Both new sections require a written contract to be used by a Board licensee when contracting to provide professional services to a client. The use of a written contract helps to eliminate miscommunications, which oftentimes arise when using a verbal contract. A written contract may be in electronic form. Following is an overview of the new sections.

**Requirements:** Before the Professional Engineer or Professional Land Surveyor begins work, they need to sign a written contract with their client, or his or her representative. However, there are exemptions. The written contract must include, but not be limited to, all of the following:

1. A description of services to be provided by the Professional Engineer or Professional Land Surveyor,
2. A description of any basis of compensation applicable to the contract, and method of payment agreed upon by the parties,
3. The name, address, and license or certificate number of the Professional Engineer or Professional Land Surveyor, and the name and address of the client,
4. A description of the procedure that the Professional Engineer or Professional Land Surveyor and the client will use to accommodate additional services, and
5. A description of the procedure to be used by any party to terminate the contract.

**Exemptions:** A written contract is *not* required under the following circumstances:

1. The client will not be compensating the Professional Engineer or Professional Land Surveyor for their services.
2. The Professional Engineer or Professional Land Surveyor has a current or prior contractual relationship with the client to provide professional

### In This Issue

Board Meeting Schedule .....	7
Board President's Update .....	3
Brandow, George E. ....	11
Civil Examination Changes .....	13
Contacting the Board.....	2
Disciplinary Terminology .....	14
E-Mail the Bulletin .....	12
Enforcement Activity Report .....	14-21
Examination Schedule .....	22
Examination Statistics .....	23
Experts Needed .....	11
Mission and Vision Statements .....	8
NCEES Annual Meeting Update ....	6
New Legislation Overview .....	4
Notice of Licensure Compliance .....	10
Ordering Publications .....	23
Pocket Identification Cards .....	6
Policy Resolutions Withdrawn .....	12
Sunset Update .....	7
TAC Members Selected .....	8
Update Organization Records .....	8
Website - What's New .....	4

continued on page 4 . . .

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<http://www.dca.ca.gov/pels>  
(general information, Board laws  
and rules, Consumer Guide, exam  
information and applications, Board  
forms including complaint form,  
enforcement reports, and license  
lookup)

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## BOARD PRESIDENT'S UPDATE

*by Kathryn Hoffman, Board President*

It is a pleasure to have this opportunity to share my thoughts as President of the Board for Professional Engineers and Land Surveyors. Being a Public Member on the Board for the last six years has been a tremendous experience for me. While my "day job" career in the computer industry has often found me working day-to-day developing systems for engineers, these engineers have typically fallen under the "industrial exemption" clause of the Professional Engineers Act. By participating on the Board, the experiences I have had with private and public sector licensed engineers have given me a broader understanding of the overall practice. Recently, I became a "consumer" of land surveying services, so all together I have a wide exposure to the business challenges we must consider when sitting on the California Board for Professional Engineers and Land Surveyors. I would also like to share with you a number of the important issues facing the Board, some of which may come to affect you in your practice.



First, as you may know last year, we completed our second Sunset Review before the Legislature. We received some very positive feedback from the Joint Legislative Sunset Review Committee, showing our progress from prior reviews. The Chair of the Committee, Senator Liz Figueroa, attended our September 2000 Board Meeting in Burlingame and expressed her support for our efforts to improve this Board. The Sunset review culminated in two pieces of legislation signed by the Governor at the end of this past session. (In other parts of this Bulletin, you will find a description of the new laws enacted under this legislation and the tasks set to be accomplished by the Board.) I would like to comment on these activities and tasks, and lastly, I would like to bring to light a concern for which I ask your cooperation and concern to ameliorate.

The Board has been charged with a duty to review what is commonly referred to as "Title Act" engineers. Since I have been on the Board, there has been much confusion about the practical effect of title act licensing versus practice act licensing. I do not think it is unreasonable for one to assume that the Board regulates the practice for all licensed engineers or land surveyors. But that is not the case. Instead, we have a two-prong approach to licensing. Starting out for new engineers, the process is the same. One completes the appropriate education and experience requirements, qualifies to sit for the examination, hopefully passes the examination, and thereby demonstrates to the Board and to the people of California that they are competent to practice engineering in their chosen field. However, at this point, the oversight by the Board diverges. While the Board regulates the practice as well as the title for Civil, Electrical, Mechanical Engineers, and Land Surveyors, the Board only regulates the use of the title - not practice - in the Title Act disciplines. The problem arises in determining the value of this plan for protecting the life, health and welfare of the public. This is why the Legislature wants us to study the Title Acts. The potential result after the study could be anything from full practice regulation like Civil, Mechanical and Electrical Engineers to full deregulation of these disciplines. An independent group will be conducting the study, reviewing the state of the industries, conducting focus

*continued on page 9...*

## WRITTEN CONTRACTS . . . continued from page 1

services, and the client has paid the Professional Engineer or Professional Land Surveyor all of the fees that are due under that contract.

3. The client knowingly states in writing, after full disclosure of this requirement, that a previous written contract need not be used.

4. Professional services are rendered by a Professional Engineer or Professional Land Surveyor to another Professional Engineer or Professional Land Surveyor; an architect; a contractor; a geologist or geophysicist; a manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with or incidental to the products, systems, or services of that corporation or its affiliates; or a public agency. For additional information, please contact the Enforcement Unit. ♦

## NOTICE TO ALL LICENSEES

### NEW LEGISLATION EFFECTIVE ON JANUARY 1, 2001

Several legislative bills that were recently signed by Governor Gray Davis make numerous changes to the Professional Engineers Act (Business and Professions Code sections 6700-6799) and the Professional Land Surveyors' Act (Business and Professions Code sections 8700-8805). These changes will become effective on January 1, 2001. This article summarizes only the major changes. All of the changes will be included in the Board's new *Handbook of Laws and Rules*, which will be published and available on the Board's website in the early part of 2001. You may access the text of these legislative bills at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

Assembly Bill 2629 (Chapter 976, Statutes of 2000) was sponsored by the Board. This bill amends both the Professional Engineers Act and the Professional Land Surveyors' Act to require all licensees to use a written contract when providing their professional services, with certain specific requirements and exemptions. For further information about this new written contract requirement, please see the article beginning on Page 1. This bill also gives the Board the authority to adopt regulations for a Code of Professional Conduct for Professional Engineers and Professional Land Surveyors. Staff is currently researching Codes of Professional Conduct used by other professions in California as well as those of other states' engineering and land surveying boards. The Board's Enforcement Committee plans to begin discussing this matter in the early part of 2001.

Senate Bill 1563 (Chapter 678, Statutes of 2000) makes it mandatory for the Board to adopt regulations describing the educational or experience requirements that must be met in order for a person to qualify to take the Land Surveyor-in-Training examination. These requirements must include two years of postsecondary education in land surveying, two years of experience in land surveying, or a combination of one year of postsecondary land surveying education and one year of land surveying experience. This bill also makes amendments to Sections 8762 and 8773.2 to address the issue of the County Recorder providing copies of the filed Record of Survey or Corner Record to the person who prepared the map.

Senate Bill 1863 amended Sections 8761 and 8771 (Chapter 1054, Statutes of

*continued on next page . . .*

#### New On the Web Site

- The refile application was added to the Board website in October.
- Past Board meeting minutes and future meeting agendas are posted on the website.

#### Coming Soon:

- A new look to the website is underway!!!

#### Other sites of interest:

**[www.leginfo.ca.gov](http://www.leginfo.ca.gov)**

- California law
- Legislative publications (daily files, hearing schedules, etc.)
- Assembly and Senate Bill information
- Information on the California Legislature and its members
- Links to other California and federal legislative websites

**[www.dca.ca.gov](http://www.dca.ca.gov)**

- Consumer Information
- Licensing
- Occupational Licensing
- Federal Consumer Links

2000). A paragraph in Section 8761, which described some of the information which must be included on a map or plat, has been deleted since that information is already described in other sections of the PLS Act. A new paragraph has been added to this section to clearly state that it is unlawful for a licensee to stamp or seal land surveying documents if the licensee's license has expired or been suspended or revoked. While other provisions of the law made this a violation anyway, it was decided that it should be clearly spelled out. Section 8771 was amended to clarify that maintaining and resurfacing streets, highways, rights-of-way, and easements also trigger the requirements to file either a Corner Record or a Record of Survey to show where the control monuments are located. For more information on SB 1563 and SB 1863, contact Howard Brunner, Staff Land Surveyor Consultant.

Senate Bill 2030, the Joint Legislative Sunset Review Committee's bill, included language to make many clarifying changes to the Professional Engineers Act and the Professional Land Surveyors' Act. Some of these changes include:

- ♦ The definitions of electrical and mechanical engineering will now be in statute; these definitions can be found in the newly-added Sections 6731.5 and 6731.6.
- ♦ The "Good Samaritan Immunity" in Section 6706 has been expanded to include floods, riots, and fires along with earthquakes in the list of declared national, state, or local emergencies.
- ♦ Clarification was added to Sections 6735, 6735.3, and 6735.4 regarding when and how civil, electrical, and mechanical engineering documents must be signed and sealed.
- ♦ The "Unauthorized Changes Immunity" was expanded to include electrical and mechanical engineers as well as civil engineers and was moved into Sections 6735, 6735.3, and 6735.4.
- ♦ The nonresident exemption in Section 6741 was also expanded to include electrical and mechanical engineering as well as civil engineering.
- ♦ Specific language has been added to both the PE Act and the PLS Act to make it clear that the Engineer-in-Training (EIT) and Land Surveyor-in-Training (LSIT) titles and their related abbreviations may only be used by individuals who hold valid EIT and LSIT certificates.
- ♦ New sections have been added to both Acts that will allow the Board to revoke EIT and LSIT certificates for certain specified violations including being convicted of a crime substantially related to the qualifications, functions, and duties of the professional practice and obtaining the EIT/LSIT certificate or a professional license through fraud, deceit, or misrepresentation.
- ♦ Language has been added to the PLS Act to make it clear that the use of abbreviations representing the restricted titles is also restricted to individuals licensed by the Board. ♦

*by Nancy Eissler, Enforcement Analyst*

## HANDBOOK OF LAWS AND RULES

*All of the changes to the laws will be included in the Board's Handbook of Laws and Rules, which will be published and available on the Board's website in the early part of 2001. See page 23 for how to order a copy of the Handbook. Specific bills may be obtained from the Capitol Bill Room [916-445-2323] or from the Legislative Counsel's website at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).*

*If you have any questions about these changes or about the existing laws, you may contact the Enforcement Unit staff.*

**FOR MORE INFORMATION ON THE STATUS OF THE SUNSET REVIEW, SEE THE ARTICLE ON PAGE 7.**



## PAPER OR PLASTIC? Plastic Identification Cards Begin Circulation

Identification cards provide tangible evidence that licensees may practice their profession within the jurisdiction of California. Until October 2000, the identification cards for Professional Engineers and Professional Land Surveyors of the State of California have had been printed upon paper stock. To prevent identification card deterioration and the expense and inconvenience of periodic replacement, the Board decided to replace the paper identification cards with plastic identification cards that would be almost indestructible over an extended period of time and under normal conditions of wear and tear. The dimensions of the new plastic identification card are the same as the dimensions of a credit card.

The identification cards began distribution in October 2000 and will continue to be distributed on an ongoing basis. Upon renewal of a license, a licensee will receive a new plastic identification card. Each time a licensee renews their license, a new plastic identification card will be provided to him or her.

If a licensee has more than one license, he or she will receive more than one pocket identification card. However, if a licensee holds Civil/Structural or Civil/Geotechnical licenses, he or she will receive only one card with both licenses printed on it. Newly-licensed individuals will also be receiving plastic identification cards.



The procedure for requesting a duplicate identification card will not change. You may submit a request for a duplicate license for a fee of \$10, and a plastic identification card will be mailed to you. Comments concerning these plastic identification cards are welcome and changes to them may be considered in the future. ♦

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## NCEES ANNUAL MEETING UPDATE

The NCEES Annual Meeting was held in Chicago, Illinois, with Gregg Brandow, Steve Lazarian, and Cindi Christenson attending on behalf of the Board.

Ted Fairfield, an ex-Board member, was elected to President-Elect and will be the first president from California of the NCEES since the 1960's. He will be sworn in to his official term as President at next year's annual meeting to be held in Little Rock, Arkansas.

Major issues discussed were: Mobility/Model Law Engineer, Computer Based Testing, Digital Signatures, and Professional Surveyor v. Professional Land Surveyor titles. ♦

## JOINT LEGISLATIVE SUNSET REVIEW COMMITTEE

The Joint Legislative Sunset Review Committee's (JLSRC) bill, Senate Bill 2030 (Chapter 1006, Statutes of 2000), extends the Board's Sunset date and addresses several issues identified by the JLSRC during its review of the Board in 1999. The main issues are described below. For more information, contact Joanne Arnold, Legislative Program Manager.

♦ The issue of the Title Acts and what should be done about them has long been a concern of the Board and the JLSRC. How does restricting who may use a title but not restricting who may practice protect the public? Should the existing Title Acts be continued in their current state, should they be deregulated entirely, or should they be converted to Practice Acts, where both the title and the practice would be restricted? These are questions that the Board and the Legislature have struggled with for several years. The JLSRC, the Board, and the Department of Consumer Affairs (DCA) decided that the best way to address this issue is to contract with an independent consultant to perform a review of all of the Title Act branches to determine which, if any, should be retained or converted to Practice Acts. This review will also encompass the issue of supplementary or overlapping practice in all of the branches of engineering. The final report with recommendations is to be presented to the Legislature by September 1, 2001. Due to the nature of the study, legislation is currently being drafted to extend the deadline of September 1, 2001 to September 1, 2002. The specific tasks to be performed by the independent consultant are described in Section 6704.1, which is a newly-added section in the PE Act.

♦ Another issue of concern has been the use of only state-specific examinations for the Structural Engineer title authority and the Professional Land Surveyor license. With the ever-increasing mobility of engineering and surveying work, the use of only state-specific, and not national, examinations has made it more difficult for individuals licensed in California to become licensed in other states and vice versa. The JLSRC and the Board decided that the best way to address this issue would be to require that California use the national structural engineering and the national land surveying examinations. However, it was also recognized that there are seismic/structural issues and land surveying issues that are unique to California. Therefore, in addition to the national examinations, state-specific examinations will also be administered, as is currently done for the Civil Engineer license. The use of the national structural engineering examination will begin on or before December 31, 2004, while the use of the national land surveying examination will begin on or before April 1, 2003.

♦ The composition of the 13-member Board has also been changed. The requirement to have seven public members and six professional members from certain specified disciplines remains unchanged. However, one of the professional members must be from a local public agency and another professional member from a state agency. ♦

### SCHEDULE OF COMMITTEE AND BOARD MEETINGS

**February 8, 2001**

*Teleconference Meeting  
Sacramento/Board Office  
2535 Capitol Oaks Dr., Ste. 300  
Sacramento, CA 95833*

**June 7 & 8, 2001**

*Sacramento/Board Office  
2535 Capitol Oaks Dr., Ste. 300  
Sacramento, CA 95833*

**June - Date to be Announced**

*Teleconference Meeting  
Sacramento Board Office  
2535 Capitol Oaks Dr. Ste. 300  
Sacramento, CA 95833*

**July 26 & 27, 2001**

*The Westin Los Angeles Airport  
5400 West Century Blvd.  
Los Angeles, CA 90045*

**September 6 & 7, 2001**

*DoubleTree Hotel  
835 Airport Blvd  
San Francisco, CA 94010*

**Agendas are posted at  
[www.dca.ca.gov/pels](http://www.dca.ca.gov/pels)  
at least ten days  
before each meeting.**

*\*NOTE: Sites are dependent  
upon approval from the  
Department of Consumer Affairs.  
For more information, contact  
Cindy Morris-Hoppe at  
(916) 263-2274.*

## Do You Need to Update Your Organization Record?

The law requires all businesses practicing or offering to practice civil, electrical, or mechanical engineering or land surveying services to file an Organization Record (OR) form with the Board. The information required to be provided on the OR includes the name of the business; the addresses of the primary and branch offices; the types of professional services provided; the names of all of the owners, partners, or officers; and the names of all of the Professional Engineers and/or Professional Land Surveyors who are in responsible charge of the professional services provided. A new OR must be filed when any of this information changes.

It is your responsibility as a licensee to make sure current information is on file with the Board. For further information on your company's Organization Record form, please call Nancy Cook, Enforcement Technician, at (916) 263-0937. If you need a new Organization Record form, you may also download one from the Board's website at <http://www.dca.ca.gov/pels> under the *Forms* link. ♦

## New TAC Members Appointed

Congratulations to the new members appointed to the Board's Mechanical Engineering Technical Advisory Committee (ME TAC) and Land Surveying Technical Advisory Committee (LS TAC).

The new ME TAC members are:

- ♦ Taghi Alereza, P.E., Principal Engineer employed by ADM Associates in Sacramento, CA
- ♦ Thomas Crawford, P.E., Project Manager employed by Pacific Gas and Electric Company, in Walnut Creek, CA
- ♦ Uday Shah, P.E., District Engineer, employed by Southern California Water Company in Carson, CA
- ♦ Ira Silverman, P.E., Project Manager employed by Enertech Valve Products in Brea, CA
- ♦ Daniel Strauss, P.E., Mechanical Engineering Manager employed by the City of Los Angeles, Bureau of Engineering

Quang Vu, P.E. is the Board's Mechanical Engineer liaison and Andrew Hopwood is the public member liaison. The ME TAC is staffed by Ignacio Lopez-Alvarez, P.E.

The new LS TAC members are:

- ♦ David James Ryan, P.L.S., Associate Land Surveyor for Humboldt County Surveyors Office in CA
- ♦ Dana Michael Seguin, P.L.S., Mapping Department Manager for Hunsaker and Associates in San Diego, CA
- ♦ Richard Benton Moore, P.L.S., GIS Project Manager for Sage Consultants, Inc., in Camarillo, CA

Jim Foley, P.E., is the Board's Land Surveyor liaison and Myrna Powell is the public member liaison. The LS TAC is staffed by Howard Brunner, P.L.S. ♦

### Mission Statement

*The mission of the Board for Professional Engineers and Land Surveyors is to safeguard the life, health, property, and public welfare by regulating the practice of professional engineering and professional land surveying. We:*  
*Qualify and license individuals*  
*Establish regulations*  
*Enforce laws and regulations*  
*Provide information so that the public can make informed decisions.*

### Vision Statement

*The Board assures that:*  
*Qualified applicants are licensed as quickly as possible.*  
*Licensees maintain continuing competency.*  
*Disputes are resolved for consumers and licensees promptly and impartially.*  
*Adequate information is available to all through a high-profile, comprehensive information program.*  
*Violations of the law are discouraged before they happen and are investigated and adjudicated promptly when committed.*  
*It is managed strategically and its budget is performance-based.*  
*Legislative changes are approached proactively.*  
*Its performance is measured against defined standards and it periodically evaluates its programs and policies in light of emerging trends, practices, and technologies.*  
*The professional engineering and professional land surveying laws and regulations are clear, relevant, unambiguous, and functional.*  
*It will attract highly competent staff who contribute to the integral success of the Board and will maintain a work environment where employees are satisfied and produce because they feel valued and challenged.*



## BOARD PRESIDENT UPDATE . . . continued from page 3

group meetings, and making recommendations to the legislature. We strongly encourage your participation and input into this process so that the right conclusion is found, both for the professional and for the consumer.

Fees are unfortunately the first, second and third issues facing the Board these days. For several years, the Board has seen a deficit situation looming on the horizon. To avoid this, we have implemented very strong cost-avoidance and cost-reduction plans. Unfortunately, while we have postponed the inevitable red ink, we have not cured it. Current projections now show the Board facing a deficit situation in the fiscal year beginning July 1, 2002. The Board's fees are set in law, both for applications and testing, as well as for renewals. There is no question: renewals subsidize the examination program to a very large extent. If the Board were to charge applicants for the actual cost to develop and administer the specific discipline's exam, the cost to many applicants would increase 10 times or more. At the Board's October meeting in San Diego, the Board voted to express their collective opinion that it would be detrimental to both the public and the professions long-term benefit to only increase the application and testing fees. The Board saw this as a strong barrier to licensure, and therefore could negatively impact the availability and quality of licensed engineering and land surveying services for all the people of California. Before the Board can increase the actual dollar amount of testing, and renewal fees (which are set by Board-adopted regulations), the Legislature and the Governor must give the Board the authority to increase these fees above the current maximum levels (which are set by statute.) Therefore, in order to meet the 2002 "deadline," the Board will most likely ask for such authority as part of the next Sunset process. We ask for your support. Please understand that if we can extend the fund condition without implementing a fee increase, we shall.

Finally, a request from this Board President as a matter of strong concern to all the Professionals in practice: please, take care to keep your license active, renewed, and in good standing. At every Board meeting, the Board deals with having to consider reinstatements of delinquent licenses. Practicing in responsible charge without an in-force license is illegal and possibly exposes your license to discipline when you do reinstate. Yes, there is a 3-year "grace" period in which you can reinstate your license without Board review, but we are seeing many licensees go beyond this. Whether you sign and stamp drawings every day is not relevant to keeping your license in good standing. Check the expiration date on your license card. Inform Board staff of address changes. We, as the Board, will do our best to make the process for you to inform us of address changes simple, easy and as fault-tolerant as humanly possible. Please do your share. ♦

### Information on Board Licensees

*Current information on Board licensees, including information on disciplinary actions, is available at [www.dca.ca.gov/pels](http://www.dca.ca.gov/pels) -- You can search for information by license number, name, city, county, or zip code. The license lookup site indicates if there has been a disciplinary action and gives the details of any actions. Most public libraries provide Internet access to the public for a small fee. Licenses can also be verified by telephoning the Board at (916) 263-2222.*

*The 1998 Professional Engineers and Professional Land Surveyors Roster includes licensee information as of March 31, 1998.*

*Disciplinary actions are not included. It may be ordered from: Department of General Services Publications Section, P. O. Box 1015, North Highlands, CA 95660. Include order # 7540-957-1100-0 and a check or money order for \$50.00 (includes shipping and handling) payable to: Procurement Publications. Shipping delivery is not made to post office boxes; you must include your street address. If you have any questions, call (916) 928-4630.*

## HOW TO COMPLY WITH THE NOTICE OF LICENSURE REQUIREMENT

Do you still have questions about how to comply with the Notice of Licensure Regulation; i.e., Section 463.5 of the California Code of Regulations? The following is a list of the types of information that Board staff has provided to the Professional Engineers and Professional Land Surveyors who have contacted us with questions concerning this recent regulation.

The purpose of providing notice of licensure is to notify clients and to make the public aware that individuals are licensed, thus keeping consistency with all professions throughout the Department of Consumer Affairs. The language in the regulation was kept general to allow for greater flexibility with all of the boards, bureaus, commissions, and programs. The Board believes that the language provides several options for meeting the requirements of this new regulation. Basically, the regulation requires that a licensee provide notice to his or her clients that he or she is *licensed by the Board for Professional Engineers and Land Surveyors*.

Placing the initials P.E. or P.L.S. or your license number on letters and on business cards does not comply with the requirements of Section 463.5. Use of your seal is also not compliant. These options do not provide clients proper notice that you are licensed by this Board.

If you choose to provide notice in a contract, the regulation requires that the notice statement be placed immediately above the signature line and in 12-point type so that it does not become lost in the “small print” at the end of the contract. You may also choose to provide notice in your letterhead, on your website, and/or on your business cards. In these cases, the print size shall be in the same size type as the rest of the information contained in the document, so as to not get lost in the “fine print.”

The notice requirement applies to all California licensed Professional Engineers and Professional Land Surveyors working on all engineering and surveying projects which are located in California. The regulation does not affect your contracts for projects that are located in any other state or country. Our legal counsel has determined that most public agency engineers and land surveyors need only provide notice to their employers. Agencies may wish to post a list of their licensed employees' names in a public area to provide notice to the public for any engineering or surveying services that may be provided.

Licensed employees of large corporations who are not typically in responsible charge of projects also need only provide notice to their employers. The company's engineers and land surveyors who are in responsible charge of the services being provided will need to provide notice to the company's clients.

Businesses that elect to post the Notice of Licensure in a public area are required to post the notice in at least 48-point type. However, the list of names of the licensed engineers working for the company can be in a smaller type but still easily readable. ♦

### Enforcement Outreach Status

*Mariann Fagunes, Enforcement Outreach Coordinator, has been on the road since the Board's last Bulletin. Ms. Fagunes has been actively planning Enforcement Outreach meetings throughout the state. Since May 2000, Ms. Fagunes has organized four major meetings that include counties, cities within those counties, the local professional societies and associations, and CalTrans. Most of these meetings have been in the northern part of the state. Ms. Fagunes will be concentrating on the central and southern parts of the state in 2001. These meetings have proven to be successful based on the increase of calls the Board's Enforcement Unit has received. In addition, Ms. Fagunes has met with various associations and societies such as the International Conference of Building Officials (ICBO), various chapters of the California Land Surveyor Association (CLSA), and various state and county jurisdictions. If you would like more information about the Enforcement Outreach Program, you may contact Mariann Fagunes at (916) 263-2233.*

## GEORGE E. BRANDOW (1913 - 2000)

"Engineers have an obligation to give time and substance to engineering societies, colleges, and civic affairs for the advancement of the profession and to improve its public image." George E. Brandow a prominent Structural Engineer and father of current Board member, Gregg Brandow, once spoke these words to a group of young engineers. He will be remembered for putting this philosophy into practice.

Mr. Brandow began his professional career with the Los Angeles County Building Department in 1936 as a plan checker and field inspector. From 1938 to 1940, he was associated with the Arch Rib Truss Company, and W.E. Wilson. In 1940, Mr. Brandow became a Structural Engineer with John C. Austin in Los Angeles. With Mr. Austin, he participated in the design of the Los Angeles Airport. In 1942, Mr. Brandow became the chief draftsman and structural engineer working on the design of West Coast refineries with the Lummus Company. In 1944, he became Chief Engineer of the Los Angeles Refinery of Union Oil Company.

The original Brandow & Johnston partnership began in September 1945 when Mr. Brandow joined forces with Roy G. Johnston to start a consulting structural engineering firm destined to engineer more than 20,000 projects, primarily in Southern California. Brandow & Johnston has worked for architects and owners of engineering high-rise office buildings, hospitals, universities, airports, schools, and industrial facilities. Mr. Brandow retired in the early 1990's. ♦

### CIVIL, ELECTRICAL, AND MECHANICAL ENGINEERS AND LAND SURVEYORS NEEDED TO REVIEW ENFORCEMENT CASES

Technical experts are needed to assist with the review of enforcement cases to determine if the standards of the profession are being met and/or Board laws and rules are violated. Experts are required to provide a written report of their expert opinion and may be asked to testify at an administrative hearing. It is essential that our experts have expertise in the type of engineering or land surveying which is the subject of the complaint. The majority of the Board's cases involve residential projects and small business projects.

The Board's experts are paid \$75 per hour for case review, report preparation, and the actual time spent testifying at administrative hearings. Travel costs associated with hearing testimony are reimbursed. If you are interested, please send your most current resume to the Enforcement Unit. If you are already on our technical expert list and wish to remain on the list, please notify the Board, in writing, of any changes to your address, phone number(s), or e-mail address so that we can update our records accordingly. Notifications should be sent to the Enforcement Unit's attention and identified as an enforcement expert update. The Enforcement Unit currently needs experts in the following disciplines and areas of expertise:

- **Civil and/or Structural Engineers** with expertise in structural design for residential houses; subdivision planning and development; grading of residential properties and small business projects; home inspections for resale and for natural disaster evaluation; and septic system design (especially in *Northern and Central California* and the *San Francisco/Oakland Bay Area*).
- **Civil and/or Geotechnical Engineers** with expertise in providing geotechnical evaluations.
- **Electrical Engineers** with expertise in electrical circuitry and small building electrical system design.
- **Mechanical Engineers** with expertise in HVAC, plumbing, and small building mechanical system design.
- **Land Surveyors** with expertise in boundary surveying, property line disputes, subdivision map processing, and title descriptions (especially in *Northern and Central California*).

## BOARD POLICY RESOLUTIONS WITHDRAWN

In early 1995, the Board decided to publicize, as Board Policy Resolutions, its opinions and policies in order to provide answers to commonly asked questions about existing statutes, regulations, and procedures. Before issuing any policy resolutions, the Board asked its attorneys to check whether or not the Board could do so without adopting the opinions as formal and binding regulations. Based on records of Court decisions on similar opinions and policies of state agencies, the Board's attorneys gave the opinion that statements of policy did not need to be adopted as formal and binding regulations as long as they (1) are not intended to amend, supplement, or revise any express statute or regulation concerning professionals subject to licensure by the Board; (2) are merely restatements of existing law and are intended only for clarification; (3) are not intended to implement, interpret, or make specific the law enforced or administered by the Board; and (4) are not intended to govern the Board's procedures.

The Board did not intend for the policy resolutions to be treated as "new laws" or to be viewed as binding opinions. They were simply to be restatements of existing laws or the only legally tenable statement of law. Unfortunately, members of the professions, consumers, and governmental agencies did not accept them as such and began to treat the policy resolutions as binding laws which would be enforced by the Board. When the Board realized this was happening, it directed its attorneys to again look into the issue of policy resolutions and whether they needed to be adopted as regulations.

The Board's attorney recently advised that a 1996 California Supreme Court ruling has narrowed the instances in which an agency may issue opinions or procedures without adopting them as regulations. Based on this new ruling, the Board's attorney advised that all existing policy resolutions be reviewed to determine which should be adopted as formal and binding regulations, which are no longer necessary, and which still meet the newly narrowed instances in which a regulation is not required. The Board directed staff and its attorneys to begin this review and provide recommendations to the Board. The recommendations were made at its September and December 1999 meetings, when the Board voted to withdraw the remaining twenty policy resolutions (two had been previously withdrawn before these meetings).

Since all of the policy resolutions previously issued by the Board have been withdrawn, they should no longer be used or distributed. The Board also no longer distributes copies of them. ♦

### E-Mail Notification of Board News

*If you'd like to be notified when this newsletter is available on the Board's website (it's posted there before the print copies are mailed) rather than receive a print copy in the mail, please go to the Publications section of the Board's website and use the form there to submit your e-mail address.*

*You will be notified when the next bulletin is posted and may also receive notices from the Board, such as the one on this bulletin's first page, from time to time.*

*Starting with the last issue (Bulletin 27), although the on-line bulletin looks like the print version, the on-line bulletin has interactive links both in the table of contents and in the text.*



## USE OF SEAL AND SIGNATURE REQUIREMENTS

Board Rule 411 (Title 16, California Code of Regulations section 411) regarding the professional seal and signature requirements has been amended. The amendments become effective on November 29, 2000.

- ♦ Professional Engineers are now allowed to include either “Registered Professional Engineer” or “Licensed Professional Engineer” on their seal.
- ♦ The section now specifically states that abbreviations or initials representing the licensee’s given name may be used on the seal; however, the licensee’s surname on the seal must match the surname that is listed in the Board’s official records.
- ♦ Preprinting blank forms with the seal or signature, using decals of the seal or signature, or using a rubber stamp of the signature are now specifically prohibited.
- ♦ Licensees may still choose to use an embossing seal; however, the seal must leave an opaque and permanent impression so it will be visible when the sealed documents are copied or microfilmed.
- ♦ Clarifying language has been added to specifically allow and require all responsible charge licensees to sign and seal their work as required by statute. The Board hopes this will clarify for many local agencies that plans and other documents may contain multiple seals and signatures. Licensees are now required to include the date on which they sign and seal the work immediately below or next to their signature and seal.

The actual language of this Board Rule may be obtained from the Board’s website and will be included in the 2001 edition of the Handbook of Laws and Rules. Any questions regarding the amendments may be directed to Nancy Eissler, Enforcement Analyst, at (916) 263-2241. ♦

## NOTICE OF CHANGES TO CIVIL ENGINEERING PRINCIPLES AND PRACTICE (PE) EXAMINATION

The NCEES Civil Engineering examination changed to a new breadth and depth format beginning with the administration of the October 2000 examination. The morning portion of the exam will focus on the breadth of civil engineering; and will be in a 100% multiple choice format. Unlike previous examinations, the candidate will *not* have the option of choosing which questions to answer. The afternoon portion of the exam will focus on the depth of civil engineering and will also be fully multiple choice. However, candidates will choose to complete one of the five depth modules. The candidates must answer all of the questions within a depth module.

The five breadth and depth topics are Structures, Transportation, Water Resources, Environmental, and Geotechnical. For the morning (breadth) portion of the exam, questions will be asked in each of the 5 topics; each topic area will have eight questions, for a total of 40 questions. The afternoon (depth) portion of the exam will include the same 5 topic areas; each module will have a total of 40 questions, and the candidates will choose to complete one of the modules. The majority of the depth questions will come from the main topic area, but there will be a few questions that overlap with the other topic areas as well. ♦

### NOTICE: BOARD TO SURVEY GEOTECHNICAL ENGINEERS

The Board will be conducting an occupational analysis for geotechnical engineers in Spring 2001. Surveys will be sent to geotechnical engineers to assess their work-related activities. The information will be used to update the test plan for the geotechnical engineering examination. The geotechnical examination is one of six California-specific examinations developed by the Board and a vendor with the cooperation and assistance of California-licensed geotechnical engineers.

We encourage all California-licensed geotechnical engineers to complete and return the survey promptly so data that is representative of current geotechnical practice in California can be collected and reflected in the licensing examination through an updated test plan.

# ENFORCEMENT ACTIVITIES

## CITATIONS

Citations are an alternative way to enforce the laws prohibiting unlicensed practice of engineering or land surveying. Citations are also issued to licensed engineers and land surveyors when the severity of a violation may not warrant suspension or revocation of a professional's right to practice. When a fine is levied with a citation, payment of the fine represents satisfactory resolution of the matter. [Business & Professions Code section 125.9(d)] Certified copies of citation decisions are available from the Board's Enforcement Unit for ten cents per page plus a two dollar certification fee. Non-certified copies are free. Please include the subject's name and the citation number in your request. **All requests must be made in writing.**



Investigation revealed that Jamal Al-Mashat, of Los Angeles, California, used the restricted title, Sr. Civil Engineer, on his business cards, a violation of sections 6704, 6732, and 6787(f, h, and j) of the Business and Professions Code. Al-Mashat was ordered to stop using the restricted title and was assessed an administrative fine of \$500. In accordance with Section 125.9 (d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.



Noble Leslie Engle, of Red Bluff, California was a licensed civil engineer from 1971 to 1994, when the Board revoked his license.

Investigation revealed that Engle's company, Mesa Engineering, contracted to provide engineering services for construction of a dam in Tehama County. Engle was advised by the licensed civil engineer responsible for the engineering and land-surveying services provided by Engle's company that he should contract with a civil engineer to complete the project. However, the majority of the

**AL-MASHAT, JAMAL**  
**Unlicensed**  
**Citation 5041-U**  
**Final: May 27, 2000**  
**Action: Order of**  
**Abatement, Administrative**  
**\$500 fine**

**ENGLE, NOBLE LESLIE**  
**Unlicensed**  
**Citation 5038-U**  
**Final: May 17, 2000**  
**Action: Order of Abatement,**  
**\$2,500 fine**

### Disciplinary Terminology

***Final or Effective Date:** The date the disciplinary action takes effect.*

***Probation:** The licensee may continue to practice under specific terms and conditions.*

***Revocation or revoked:** The license is cancelled and the right to practice is ended.*

***Stayed:** The revocation or suspension is delayed.*

***Suspension:** The licensee is prohibited from practicing for a specific period of time.*

***Voluntary Surrender/Surrender of License:** The licensee turns in the license to the Board. The right to practice is ended.*

engineering work on the project was not prepared by or signed and stamped by a licensed civil engineer. Engle performed the civil engineering services thereby violating sections 6704, 6730, and 6787(a) of the Business and Professions Code. The Board ordered Engle to stop offering, providing, performing, and practicing civil engineering without legal authorization. In addition, he was ordered to pay an administrative fine of \$2,500. In accordance with Section 125.9 (d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.



Investigation revealed that Peter Gevorkian, of Glendale, California stamped and signed electrical engineering plans with a fraudulent stamp containing his name, the titles “registered professional” and “electrical engineer,” and a license number and expiration date; thereby representing himself as licensed by the Board as an electrical engineer. He submitted plans with the fraudulent stamp to the Los Angeles County Department of Public Works to have them approved for construction. The Board ordered Gevorkian to stop violating Business and Professions Code sections 6730 and 6787(a, d, f, and j) and assessed an administrative fine of \$1750, which has been paid. In accordance with Section 125.9 (d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.



Investigation revealed John O. Hamilton, of Hawthorne, California, violated section 6787(d) of the Business and Professions Code by providing civil engineering services prior to being licensed by the Board. Hamilton also forged his employer’s signature and used his employer’s engineering stamp to stamp the documents prepared for the project. The Board ordered Hamilton to stop using another licensee’s seal.

The Board also assessed an administrative fine of \$250. The administrative fine of \$250 has been paid in full. In accordance with Section 125.9(d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.



Investigation revealed that Ronald Louis Warrecker, of Long Beach, California, violated sections 8780(c) and 8762 (e) of the Business and Professions Code by failing to record a survey, identified as Record of Survey 92-1054 submitted to the Orange County Surveyors Office, in which he set monuments and established boundary lines that were described only by deed and were not shown or established on official maps of record. The Board ordered Warrecker to record the record of survey and assessed an administrative fine of \$500. In accordance with Section 125.9 (d) of the Business and Professions Code, payment of an administrative fine does not constitute admission of any violation(s) charged, but represents a satisfactory resolution of the matter.

**GEVORKIAN, PETER**  
**Unlicensed**  
**Citation 5043-U**  
**Final: June 19, 2000**  
**Action: Order of**  
**Abatement; \$1,750 fine**

**HAMILTON, JOHN O.**  
**Civil Engineer C 53284**  
**Citation 5047-L**  
**Final: August 30, 2000**  
**Action: Order of Abatement;**  
**\$250 fine**

**WARRECKER, RONALD**  
**LOUIS**  
**Land Surveyor L 5203**  
**Citation 5044-L**  
**Final: June 26, 2000**  
**Action: Order of**  
**Abatement; \$500 fine**

## DISCIPLINARY ACTIONS

*Administrative disciplinary actions are taken by the Board against licensees who are in violation of the Professional Engineers Act and/or the Professional Land Surveyors Act. Certified copies of these Board decisions may be obtained from the Board's Enforcement Unit at a charge of ten cents per page plus a two dollar certification fee. Non-certified copies are available at no charge. Please include the subject's name and the accusation number in your request. All requests must be made in writing.*



Accusation 683-A was filed against Thomas Culbertson Clark III, of Kensington, California, doing business as both Ironwood Engineering Company (IEC) and Ironwood Construction Company (ICC). Clark is also licensed by California's Contractors State Licensing Board. The accusation alleges that Clark violated Business and Professions Code sections 6775(b) and (e) for deceit, misrepresentation, violation of contract, fraud, negligence or incompetence in his practice and 6735 which provides that all final civil engineering plans, specifications and reports must be signed and sealed. Further, it alleges that Clark entered into a contract to provide plans and specifications for drainage work in Danville, California including plans and specifications for miscellaneous construction work, calculations, and design to obtain all state and local permits, inspection services, and an estimate of construction costs. The property owner provided a deposit to Clark's construction company (ICC) to secure a place in the construction company schedule, although not obligated by the contract with Clark and his engineering company (IEC) to hire ICC.

The accusation further alleges that the plans Clark prepared were not signed or stamped and contained a note stating that no survey had been performed and that the plan was for informational purposes. The property owner entered into a construction contract with ICC in September 1997, and construction began at the end of October. No construction permits were applied for or obtained by Clark or either of the companies. ICC abandoned the construction in March 1998. The property owner later hired another civil engineer to provide structural calculations for retaining walls and necessary construction permits, and hired another contractor to complete the project and obtain construction permits.

In Accusation 683-A, the Board noted an aggravation of any penalty to be imposed based on a previous Board Accusation (567-A) filed in March 1994, which charged Clark with negligence and incompetence. That accusation was resolved by a stipulation between the parties which provided that the accusation be dismissed, that Clark reimburse the Board for costs, and that he complete and pass a course in Engineering Ethics and Professionalism.

In a stipulation to settle the current accusation, Clark admitted that the plans he provided to the property owner were not signed by him, and that he had, for that reason, subjected his license to discipline.

Effective August 28, 2000, the stipulated order revoked license number C 32383 issued to Thomas Culbertson Clark, III, but stayed the revocation and placed Clark on probation for three years under terms and conditions which included an actual suspension of his license for fifteen days and reimbursement to the Board of \$4,100 for investigation and prosecution costs. In addition, Clark was required to attend sixteen hours of professional continuing education courses

**CLARK, THOMAS  
CULBERTSON, III  
Civil Engineer C 32383  
Accusation 683-A  
Effective August 28, 2000:  
License revoked, revocation  
stayed, 15-day actual  
suspension, three years on  
probation**



in the area of civil engineering, approved in advance by the Board, within the first 30 months of probation. Within 90 days of the effective date of the decision, he must successfully complete and pass the California Laws and Board Rules examination. Finally, within 90 days of August 28, 2000, Clark was required to provide written proof, satisfactory to the Board, that he has paid the settlement amount to the property owner as provided for in their Civil Settlement Memo dated April 27, 2000 in Contra Costa County Superior Court.



Accusation 586-A alleges that Daniel J. Cook, of Oroville, California, violated Business and Professions Code section 6775(b) in that he was negligent in the practice of professional engineering and was guilty of violation of contract. In 1981, Cook designed a foundation system for a home to be built in Magalia, California. The foundation he designed allegedly could accommodate three inches of differential movement without structural damage. Although he was aware the home would be built on organic soil, Cook failed both to perform a foundation investigation and to quantify the settlement upon which his design was based.

In December 1988 and January 1989, at the request of his client, the homes original owner, Cook inspected the home to determine why it was sloping more than six inches. In March 1989 Cook reported that the property was essentially stable and that the conditions present didn't indicate progressive settlement and/or structural deterioration.

Later in 1989, the allegations continue, Cook contracted with prospective buyers of the home to inspect repair work that had been done by others. In a letter to those clients dated October 17, 1989, he stated the house structure, as amended, would perform in accordance with his original design and was now in better form than when originally completed. The clients purchased the property in reliance upon Cook's letter. In 1991, it was again observed that the house was settling and thereafter it continued to settle. Cook violated his contract with those clients by failing to perform an adequate investigation to determine the cause of the settling and whether the repair work corrected the problems.

In a stipulated settlement, Cook admitted that in 1981, he signed, as a registered engineer, a plan for a foundation system designed by his employee, another registered engineer, for the home to be built in Magalia. Cook also admitted he performed inspections at the homeowner's request in December 1988 and January 1989 to determine why the house was sloping more than six inches. Cook admitted he reported the property was essentially stable and the conditions present weren't indicators of progressive settlement and/or structural deterioration. In October 1989 Cook visited the property again to inspect repair work done by others and wrote a letter, dated October 17, 1989, stating the house structure as amended would perform in accordance with the original design and was now in better form than when originally completed. Cook admitted that he was negligent in his inspection leading to the letter, and agreed that his license was subject to disciplinary action.

The Board's decision and order adopted the stipulation. Cook's license was revoked effective September 1, 1997. The Board stayed revocation and placed Cook on probation for three years under certain terms and conditions, including 60 days suspension from practice. Cook was required to pay \$25,000 as

**COOK, DANIEL J.**  
**Civil Engineer C 13062**  
**Accusation 586-A**  
**Effective September 1, 1997:**  
**License revoked, stayed, 60-**  
**day suspension, restitution**  
**ordered, three years on**  
**probation**  
**Effective August 28, 2000:**  
**Prior probation and license**  
**revoked, revocations stayed,**  
**probation extended for 2 1/2**  
**years**

restitution in the matter to the current owners of the home. In addition he was required to complete and pass the California Laws and Board Rules examination by October 30, 1997, complete and pass a course in professional ethics by September 1, 1999, and complete and pass with a grade of "C" or better, two college level courses, approved in advance by the Board, specifically related to the area of violation and provide official transcripts by March 2000. Between April 11, 1997 and November 1, 1997, Cook was prohibited from obtaining any new civil engineering work, and he was required to provide evidence to the Board that he has notified all clients and employers with whom he has a current or continuing contractual or employment relationship of the offence, finding and discipline imposed.

In March 2000, the Board filed a Petition to Revoke Probation. In a Stipulation, Order and Decision effective August 28, 2000, Cook admitted he had failed to complete and pass the two college level courses and the Board-approved course in professional ethics which were part of the terms and conditions of his probation. His prior probation and his license were revoked, the revocations were stayed and his probation, due to end on September 1, 2000, was extended for two and one-half additional years. Cook must complete the three courses noted above before March 1, 2004.



Effective September 25, 2000, the Board took disciplinary action against Land Surveyor's license L 5280 issued to Paul Christopher Ehe of Running Springs, California. Accusation 681-A alleged that Ehe violated the Business and Professions Code sections 8762 and 8780 by failing to file 14 records of survey. He performed the land surveying in a negligent or incompetent manner. As part of a stipulated settlement, Ehe's Land Surveyor license L 5280 was revoked, but revocation was stayed and Ehe was placed on probation for four years with certain terms and conditions, including suspension for 30 days.

Within 60 days of the effective date of this decision, Ehe is required to file records of survey in the ten cases in which he had previously filed corner records. Ehe is also required to present proof to the Board that the East Valley Water District filings have been corrected legally and professionally. Ehe must eliminate the title gaps and overlaps between the adjusted parcels and eliminate the overlaps on adjacent senior parcels. In addition, Ehe is directed to correct Parcel Maps numbers 10656 and 10658 to eliminate the gap of ownership and clarify the dedication of a public right of way. The County of San Bernardino's Surveyor/Surveyor's Office will determine whether these filings are legally acceptable.

Ehe is also required, within two years of the effective date of the decision, to successfully complete and pass, with a grade of "C" or better, a college-level course specifically related to his area of violation and he must also complete a course in professional ethics. Both courses must be approved by the Board in advance. Within 30 days of the effective date of this decision, Ehe is required to reimburse the Board \$8,000 for its investigation and enforcement costs.

**EHE, PAUL CHRISTOPHER**  
**Land Surveyor L 5280**  
**Accusation 681-A**  
**Effective September 25, 2000;**  
**revocation, stayed; 30-day**  
**actual suspension; 4 years**  
**probation**

Dale Loren Forbes of Yorba Linda, California, was the subject of a

disciplinary action in the state of Nevada for an act substantially related to the practice regulated by his California license. Forbes submitted incomplete and inadequate plans and calculations to the City of Las Vegas Building and Safety Department that bore his seal and stamped signature. He had not reviewed the plans and had, instead, directed one of his employees to place his seal and stamped signature on the unreviewed plans. The Nevada Board suspended Forbes' license for two years. However, the suspension was stayed and Forbes' Nevada license was placed on probation for two years under certain terms and conditions.

Effective October 7, 2000, Forbes was required to successfully complete and pass the California Laws and Board Rules examination before October 27, 2000. He was also required to successfully complete and pass a Board-approved course in professional ethics and to complete and pass, within 18 months of the effective date, two Board-approved college-level courses specifically related to the area of the violation. In addition, Forbes was ordered to pay the Board \$1,450 within one year for costs of the investigation and prosecution and, within 30 days of the effective date, to provide all persons with whom he has a contractual or employment relationship with a copy of the Board's decision and order.



The Board found Hanks' license, L6883, subject to discipline under Business and Professions Code section 8780. Hanks prepared a record of survey in Indio, California. Hanks violated the standard of care incumbent on licensed land surveyors by not referring to a possible alternate boundary in his record of survey. He also failed to note a long established line of occupation in his record of survey. Hanks obstructed the filing of the record of survey by removing his check payable to the Riverside County Recorder's Office.

Following a hearing on this matter, the Board ordered Hanks' license revoked but stayed the revocation and placed Hanks on probation for two years. Hanks must pay \$11,318 for the Board's costs of investigation and enforcement. He must also complete a minimum of one Board-approved college-level course specifically related to government regulation and administration. Additionally, Hanks was ordered to complete and pass a Board-approved course in professional ethics within one year.



Disciplinary action was taken against John A. Kaldawi, revoking his civil engineer license C 44014. The Board found Kaldawi's license subject to discipline under Business and Professions Code section 6775 because he had been convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer.

In July 1993, Kaldawi was employed by the Los Angeles Department of Building and Safety as a plan checker, i.e., a person who reviews building plans that have been submitted to the Department for approval. Kaldawi thereby worked in an engineering capacity. During that time, Kaldawi solicited a \$10,000 bribe from a person who wished to obtain a building permit. Kaldawi led the victim to believe that the bribe would obviate the need for any hearings before the City, would streamline the victim's building project, and would assure that

**FORBES, DALE LOREN**  
**Civil Engineer C 30407**  
**Accusation 656-A**  
**Effective October 7, 2000:**  
**Suspended for two years;**  
**suspension stayed, two years**  
**on probation**

**HANKS, WILLIAM J.**  
**Land Surveyor L 6883**  
**Accusation 646-A**  
**Effective October 7, 2000:**  
**Revoked, revocation stayed,**  
**two years on probation**

**KALDAWI, JOHN A.**  
**Civil Engineer C 44014**  
**Accusation 655-A**  
**Effective August 21, 2000:**  
**REVOKED**

the development of the project would go through.

On July 29, 1993, Kaldawi provided approved plans to the victim at the Building Department, after Kaldawi had made some slight alterations regarding required building dimensions. He then went with the victim to a nearby restaurant and accepted a check for \$10,000 to hold until the next morning. Kaldawi told the victim that if he did not exchange \$10,000 in cash for that check on the next day, the building permits would be revoked.

In fact, the victim could have obtained approval of his plans "over the counter," within approximately one hour. Kaldawi's promise to assist the victim in obtaining approval and to avoid a hearing was illusory, but nevertheless constituted bribery.

On May 4, 1995, in the Superior Court of California, County of Los Angeles, Kaldawi was convicted of violating Penal Code section 68, the felony crime of soliciting a bribe while acting in the capacity of a public employee. In August 1996, the Court of Appeal affirmed Kaldawi's criminal conviction.

Following his conviction, imposition of sentence was suspended on the condition that Kaldawi be placed on three years formal probation. He was fined \$5,000 and ordered to perform 400 hours of community service. Kaldawi's conviction was for a crime of moral turpitude, substantially related to the duties, qualifications, and functions of a professional engineer.

Kaldawi did not demonstrate rehabilitation sufficient to permit him to practice as a civil engineer. Therefore, the Board revoked his license. Additionally, Kaldawi was required to reimburse the Board for its investigative costs in the amount of \$14,277.50 within one year of the effective date of the Board's decision. Kaldawi filed a Writ of Mandate in Superior Court, appealing the Board's revocation order. The Superior Court upheld the Board's order.



The Board has taken disciplinary action against Civil Engineer license C45951 issued to Craig L. Marshall of Las Vegas, Nevada for violations of Business and Professions Code section 6775(b). In a stipulated decision and order, Marshall admitted he was subject to disciplinary action for negligence and deceit in the practice of professional engineering.

In 1997, Marshall entered into a stipulation with the Utah Licensing Department admitting to critical engineering problems concerning his work on a 1993 project in Salt Lake City.

In 1998, the Nevada State Board of Professional Engineers and Land Surveyors initiated an action against Marshall's Nevada license for performing engineering work without his employer's consent. During the hearing and under oath, Marshall initially represented that he did not have a license to practice engineering in California. He later retracted this false statement during the hearing.

As of May 10, 1999, Marshall's California license was revoked, but revocation was stayed and Marshall was put on probation for two years with terms and conditions, including the requirement that he obey all laws including full compliance with the disciplinary orders of the Utah and Nevada licensing agencies. His license was suspended for fifteen days and he was required to complete and pass, with a grade of "C" or better, a college-level course related to the area of engineering work described in the Utah Licensing Department Decision. He was also required to successfully complete a Board-approved course in professional ethics and take and pass the California Laws and Board Rules examination.

**MARSHALL, CRAIG L.**  
**Civil Engineer C 45951**  
**Accusation 657-A**  
**Effective May 10, 1999:**  
**Revoked, revocation stayed;**  
**15-day suspension, two**  
**years on probation**  
**Effective August 28, 2000:**  
**Revoked, revocation stayed,**  
**probation extended for one**  
**year.**



In October 1999, the Board petitioned to revoke Marshall's probation for failure to renew his license and failure to obey several of the probationary conditions. He did not observe the suspension order, did not complete and pass the California Laws and Board Rules examination, did not reimburse the Board for investigative and enforcement costs, did not provide evidence that he has complied with the Utah and Nevada disciplinary orders, and did not provide evidence of sending a copy of the Board's Decision and Order to everyone with whom he had an engineering-related contractual or employment relationship.

At the hearing on the petition to revoke probation, Marshall stated he did not receive notice of the effective date of the Stipulation (May 10, 1999) until late September 1999. However, his failure to receive a copy of the stipulation and other correspondence from the Board resulted from his own failure to formally notify the Board of a change of address of record as required by Title 16, California Code of Regulations section 412. In addition, Marshall took no action to comply with his probationary terms between the date he was notified and the date of the hearing.

Effective August 28, 2000, Marshall's prior probation and his civil engineer license number C 45951 were revoked. However, the revocations were stayed and probation was extended for one year under the previous terms and conditions, with the addition of a fifteen-day suspension of his license (from August 28 – September 12, 2000). Marshall provided proof to the Board that he complied with the Utah and Nevada disciplinary orders. He must complete and pass, with a grade of "C" or better, one college-level course, approved in advance by the Board, specifically related to the area of engineering work described in the Utah Licensing Department decision. He must reimburse the Board for investigative and enforcement costs of \$875. Among other conditions, Marshall must, by September 27, 2000, send evidence to the Board that he has provided a copy of the Board's decision to all persons or entities with whom he has a contractual or employment relationship involving the practice of professional engineering in California.



## EXAMINATION SCHEDULE 2001 - 2004

Examination Date	Final Postmark Date for Filing
<b><u>Engineer-in-Training (EIT/FE) and Land Surveyor-in-Training (LSIT/FLS)</u></b>	

April 21, 2001	(Saturday)	February 16, 2001	(Friday)
October 27, 2001	(Saturday)	September 7, 2001	(Friday)
April 20, 2002	(Saturday)	February 15, 2002	(Friday)
October 26, 2002	(Saturday)	September 6, 2002	(Friday)
April 12, 2003	(Saturday)	February 14, 2003	(Friday)
October 25, 2003	(Saturday)	September 5, 2003	(Friday)
April 17, 2004	(Saturday)	February 13, 2004	(Friday)
October 30, 2004	(Saturday)	September 3, 2004	(Friday)

### **Special Civil/Seismic Principles and Engineering Surveying**

April 21, 2001	(Saturday)	January 5, 2001	(Friday)
October 27, 2001	(Saturday)	July 20, 2001	(Friday)
April 20, 2002	(Saturday)	January 4, 2002	(Friday)
October 26, 2002	(Saturday)	July 19, 2002	(Friday)
April 12, 2003	(Saturday)	January 3, 2003	(Friday)
October 25, 2003	(Saturday)	July 25, 2003	(Friday)
April 17, 2004	(Saturday)	January 2, 2004	(Friday)
October 30, 2004	(Saturday)	July 23, 2004	(Friday)

### **Chemical, Civil, Electrical, and Mechanical**

April 20, 2001	(Friday)	January 5, 2001	(Friday)
October 26, 2001	(Friday)	July 20, 2001	(Friday)
April 19, 2002	(Friday)	January 4, 2002	(Friday)
October 25, 2002	(Friday)	July 19, 2002	(Friday)
April 11, 2003	(Friday)	January 3, 2003	(Friday)
October 24, 2003	(Friday)	July 25, 2003	(Friday)
April 16, 2004	(Friday)	January 2, 2004	(Friday)
October 29, 2004	(Friday)	July 23, 2004	(Friday)

### **Agricultural, Control System, Fire Protection, Geotechnical, Industrial, Manufacturing, Metallurgical, Nuclear, Petroleum, and Traffic**

October 26, 2001	(Friday)	July 20, 2001	(Friday)
October 25, 2002	(Friday)	July 19, 2002	(Friday)
October 24, 2003	(Friday)	July 25, 2003	(Friday)
October 29, 2004	(Friday)	July 23, 2004	(Friday)

### **Land Surveying**

April 20, 2001	(Friday)	January 5, 2001	(Friday)
April 19, 2002	(Friday)	January 4, 2002	(Friday)
April 11, 2003	(Friday)	January 3, 2003	(Friday)
April 16, 2004	(Friday)	January 2, 2004	(Friday)

### **Structural**

October 26 & 27, 2001	(Fri/Sat)	July 20, 2001	(Friday)
October 25 & 26, 2002	(Fri/Sat)	July 19, 2002	(Friday)
October 24 & 25, 2003	(Fri/Sat)	July 25, 2003	(Friday)
October 29 & 30, 2004	(Fri/Sat)	July 23, 2004	(Friday)

#### **Exam Schedule Notes**

The Board reserves the right to amend this schedule without advance notice. Civil applicants applying for comity (reciprocity) in California must comply with the final filing dates, as they are required by law to take and pass special exams on seismic principles and engineering surveying. The Board does not allow extensions of the final filing dates pending notification of previous test results on EIT/LSIT exams.

# APRIL 2000 EXAMINATION STATISTICS

Discipline		# Tested	# Passed	% Passing	Cutscore
E-I-T (overall)		2352	1070	45.5%	70 of 100
L-S-I-T		284	107	37.7%	91 of 170
Chemical		35	11	31.4%	44 of 80
Electrical		208	82	39.4%	48 of 80
Mechanical		240	119	49.6%	48 of 80
Civil	Princ. & Prac.	1812	662	36.5%	48 of 80
	Seismic	1732	649	37.5%	127 of 261
	Survey	1633	636	39.0%	158 of 290
Land Surveying		533	122	22.9%	476 of 970

**Total Number of Exams Administered: 8,829**

## Board Publications

Many of the publications listed immediately below are available on the Board's website and all are available from the Board office upon receipt of payment or, if there is no charge, upon request. Checks should be made payable to **Department of Consumer Affairs**.

- |  |        |
|--|--------|
| <input type="checkbox"/> Professional Engineer Plain Language Pamphlet (on website)      | \$5.00 |
| <input type="checkbox"/> Professional Land Surveyor Plain Language Pamphlet (on website) | \$5.00 |
| <input type="checkbox"/> 2000 Handbook of Laws and Rules (on website)*                   | \$5.00 |
| <input type="checkbox"/> 1998 Sunset Review Report with 1999 Supplement (on website)     | \$5.00 |
| <input type="checkbox"/> Consumer Guide to Engineering and Land Surveying (on website)   | Free   |
| <input type="checkbox"/> Bulletins for 1999 and 2000 are on the website.                 | Free   |

\*Board licensees are entitled to a free copy by sending a written request including license number.

Current information on Board licensees, including links to disciplinary actions, is available on the Internet at **[www.dca.ca.gov/pels](http://www.dca.ca.gov/pels)**. Most public libraries provide Internet access to the public for a small fee.

The Department of Consumer Affairs' Public Sales department will prepare, for a fee, electronic files of licensee information. For information on costs, including costs to prepare customized data configurations, call (916) 323-7018.

The 1998 Professional Engineers and Professional Land Surveyors Roster includes licensee information *as of March 31, 1998*. It may be ordered by writing to: **Department of General Services Publications Section, P. O. Box 1015, North Highlands, CA 95660**. Include order # 7540-957-1100-0 and enclose a check or money order for \$50.00 (includes shipping and handling) payable to: **Procurement Publications**. Shipping delivery is not made to post office boxes; you must include your street address. If you have any questions, contact the Department of General Services directly at (916) 928-4630.

# California Board for Professional Engineers and Land Surveyors

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